

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2023

COUNCIL BILL NO. CB 23-0114
COMMITTEE OF REFERENCE:

4 Safety, Housing, Education & Homelessness

5
6 A BILL

7 **For an ordinance amending certain provisions of Chapter 2, concerning the citizen**
8 **oversight board.**
9

10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11 **Section 1.** That Article XVIII of Chapter 2, D.R.M.C. shall be amended by deleting the
12 language stricken and adding the language underlined, to read as follows:

13
14 **~~Sec. 2-378. - Nomination committee, appointment~~ Appointment and qualification of board**
15 **members.**

16 (a) The citizen oversight board shall consist of nine (9) members who shall be residents of the
17 City and County of Denver.

18 (b) The mayor shall appoint four (4) members, the city council shall appoint four (4) members,
19 and one (1) member shall be appointed jointly by the mayor and city council. ~~Each appointment will be~~
20 ~~made alternately first by the city council and then by the mayor for eight consecutive appointments and~~
21 ~~made jointly by the mayor and city council for the ninth appointment.~~ Each appointment shall be filled
22 by the appointing authority in a reasonable and timely manner.

23 (c) ~~All appointments regardless of who makes the appointment must be selected from a list of at~~
24 ~~least three (3) nominees per vacancy submitted by a nomination committee.~~

25 ~~1. The nomination committee shall be composed of three (3) members with one (1) member~~
26 ~~appointed by the mayor, one (1) member appointed by the council and one (1) member appointed~~
27 ~~jointly by the mayor and city council, each serving a term of four (4) years and shall meet only~~
28 ~~whenever a vacancy under this section occurs. Officers, employees and officials of the city shall not be~~
29 ~~eligible for appointment to or service on the nomination committee. Members of the nomination~~
30 ~~committee shall not receive any salary or compensation for their services.~~

31 ~~2. The nomination committee shall issue a public vacancy notice and call for applications for~~
32 ~~any resignation, removal or non-reappointment no later than fifteen (15) days after the vacancy occurs.~~
33 ~~The nomination committee may issue a public vacancy notice upon the receipt of notice of the~~
34 ~~resignation, non-reappointment or removal of any board member under subsection section 2-380~~

1 below without waiting for the effective date of such notice. The nomination committee shall share all
2 public vacancy notices with the citizen oversight board.

3 ~~3. The nomination committee shall review applications and conduct screening interviews as it~~
4 ~~deems necessary. The nomination committee shall seek input from the citizen oversight board to~~
5 ~~address the qualifications required by this section. The nomination committee shall certify a list of at~~
6 ~~least three (3) nominees for each appointment no later than thirty (30) days after the public application~~
7 ~~period has closed. If the nomination committee receives fewer than three (3) applications, the~~
8 ~~committee must submit the names of all applicants. The appointing authority may reject a list for any~~
9 ~~reason and request a new one. The appointing authority must make an appointment within forty five~~
10 ~~(45) days after receiving the certified list of nominees.~~

11 ~~4. Whenever an incumbent member of the citizen oversight board wishes to apply for~~
12 ~~reappointment to another term on the board, the member shall so advise the nomination committee in~~
13 ~~writing at least ninety (90) days in advance of the expiration of the member's current term. The~~
14 ~~nomination committee shall then proceed to interview the member and determine whether or not to~~
15 ~~recommend reappointment to the board for another term. If the nomination committee determines that~~
16 ~~the incumbent should not be reappointed, the committee shall proceed to issue a public vacancy~~
17 ~~notice for the seat as provided in paragraph 2 above of this subsection. If the nomination committee~~
18 ~~determines to recommend reappointment of the incumbent for another term, the committee shall~~
19 ~~forward the recommendation to the incumbent's appointing authority. If the appointing authority~~
20 ~~decides not to reappoint the incumbent, then the committee shall proceed to issue a public vacancy~~
21 ~~notice for the seat as provided in paragraph 2 above of this subsection.~~

22 ~~(d)(c)~~ No officer or employee of the City and County of Denver shall be appointed to the board.

23 ~~(e)(d)~~ Neither the members of the board nor any of their immediate family members (defined as
24 husband, wife, son, daughter, mother, father, step-son, step-daughter, step-mother, step-father,
25 grandmother, grandfather, brother, sister, domestic partner, and in-laws) shall have ever been
26 employed by the Denver police, sheriff, or fire departments.

27 ~~(f)(e)~~ The members of the board shall reflect the diversity of Denver, including the ethnic, racial,
28 and geographic constitution of the population as well as the diverse professional backgrounds,
29 experience, and expertise of the citizens of Denver.

30 ~~(g)(f)~~ The members of the board shall receive compensation in an amount not to exceed ~~one~~
31 ~~thousand two hundred dollars (\$1,200.00) per year~~ one hundred dollars (\$100) per meeting and be
32 paid necessary expenses incurred in connection with the work of the board.

33 ~~(h)(g)~~ The members of the board shall participate in an appropriate training program to be
34 established by the board and/or the monitor's office so that they shall possess the applicable

1 knowledge to perform their duties.

2

3 **Sec. 2-379. - Terms and vacancies.**

4 (a) The term of each member of the board shall be four (4) years.

5 (b) Any vacancy occurring during the term of any member shall be filled by the process set forth
6 in Section 2-378 above. If a member is appointed to fill an unexpired term, that member's term shall
7 end at the same time as the term of the person being replaced.

8 ~~(c)(1) As of the effective date of this Act, the seven (7) members who are currently serving on~~
9 ~~the citizen oversight board shall continue to serve the remaining portion of their respective terms. The~~
10 ~~two (2) new members who will be appointed in accordance with and after the effective date of this Act~~
11 ~~shall be appointed to serve an initial term of three (3) years. Except as stated in subsection (2) below,~~
12 ~~after the initial term of three (3) years, the succeeding terms shall be for four (4) years.~~

13 ~~(2) Of the four (4) members who are currently serving on the citizen oversight board whose~~
14 ~~terms expire in 2020, the appointing authorities shall determine by lot one (1) of the four (4) new terms,~~
15 ~~for which the next appointment shall be for a term of three (3) years, rather than a term of four (4)~~
16 ~~years. After that initial term of three (3) years, the succeeding terms shall be for four (4) years.~~

17 ~~(d)(c) Upon the expiration of their term, Each member shall may continue to serve in such~~
18 ~~capacity until the member's successor has been duly appointed and is acting, provided, however, that~~
19 ~~that period shall not exceed ninety (90) days past the expiration of the member's term.~~

20

21 **Sec. 2-380. - Removal from board.**

22 (a) The unexcused absence of a member of the board from four (4) regularly scheduled
23 meetings in a calendar year shall constitute a resignation from the board. Vacancies shall be filled by
24 the process set forth in Section 2-378.

25 (b) Before the expiration of his or her appointed term, a member appointed by the mayor to the
26 board may be removed from the board by the mayor, a member appointed by city council may be
27 removed by the city council, and a member appointed by the mayor and city council may be removed
28 by the mayor and city council. Removal of a member can only be for cause including gross
29 misconduct, incompetence, a persistent failure to perform his or her duties on the board or if,
30 subsequent to being selected as a member of the board, information becomes known to the appointing
31 authority that, had it been known when the member was selected, the information would have
32 disqualified him or her from being selected.

33

34

1 COMMITTEE APPROVAL DATE: February 8, 2023

2 MAYOR-COUNCIL DATE: February 14, 2023

3 PASSED BY THE COUNCIL _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9

10 NOTICE PUBLISHED IN THE DAILY JOURNAL _____; _____

11 PREPARED BY: Leah Rosenberg, Assistant City Attorney; DATE: 02/15/2023

12 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
13 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
14 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
15 3.2.6 of the Charter.
16

17 Kerry Tipper, Denver City Attorney

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19 BY: Anahil Bagga, Assistant City Attorney

DATE: Feb 15, 2023